

10/511708

DT01 Rec'd PCT/PTO 15 OCT 2004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application : Gudrun A. Rappold, et al.
Serial No. :
Filed : HEREWITH
For : HEIGHT-RELATED GENE
Examiner :
Attorney Docket : 102667-202
Group Art Unit :
Confirmation No. :
Customer No. : 27267

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 15 OCT 2004

By

Todd E. Garabedian
Todd E. Garabedian, Ph.D.
Registration No. 39,197
Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.56, the Examiner is respectfully requested to consider the references cited on attached Form PTO-1449. A copy of each reference has been previously submitted from the International Bureau. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- [X] 1. This Information Disclosure Statement is being filed within three months of the U. S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

- [] 2. This Information Disclosure Statement is being filed more than three months after the U. S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - [] a. Each item of information contained on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. \$1.97(e)(1); and no fee is required under 37 C.F.R. \$1.17(p).
 - [] b. No item of information cited on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. \$1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. \$1.97(e)(2); and no fee is required under 37 C.F.R. \$1.17(p).
 - [] Please charge Deposit Account No. 23-1665 in the amount of \$240.00 in payment of the fee under 37 C.F.R. \$1.17(p). Two additional copies of this Information Disclosure Statement are enclosed.
 - [] A check in the amount of \$240.00 is attached hereto in payment of the fee under 37 C.F.R. \$1.17(p).
- [] 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered.
 - [] a. Each item of information contained on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. \$1.97(e)(1).

- [] b. No item of information cited on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).
- [] Please charge Deposit Account No. 23-1665 in the amount of \$130.00 in payment of the fee under 37 C.F.R. §1.17(i)(1). Two additional copies of this Information Disclosure Statement are enclosed.
- [] A check in the amount of \$130.00 is attached hereto in payment of the fee under 37 C.F.R. §1.17(i)(1).

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

The undersigned further represents that the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Respectfully submitted,

Gudrun A. Rappold, et al.

Date: 15 OCT 2004

By: Todd E. Garabedian
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INFORMATION DISCLOSURE LETTER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

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1. Rousseaux-Prevost, Roselyne, et al., "Molecular mapping of a Yq deletion in a patient with normal stature," Human Genetics, vol. 98, no. 4, 1996, pp. 505-507.
2. Salo, Pia, et al., "Deletion mapping of stature determinants on the long arm of the Y chromosome," Human Genetics, vol. 95, no. 3, 1995, pp. 283-286.
3. Kirsch Stefan, et al., "FISH deletion mapping defines a single location for the Y chromosome stature gene, GCY," Journal of Medical Genetics, vol. 37, no. 8, August 2000, pp. 2000-08
4. Homo sapiens BAC clone RP11-461H6 from Y, 29 October 1999, Sulston, J.E., Wilson, R. "Towards a complete human genome sequence."
5. Homo sapiens BAC clone RP11-75F5 from Y, 6 October 1999, Sulston, J.E., Wilson, R. "Towards a complete human genome sequence."
6. Tilford, Charles A., et al., "A physical map of the human Y chromosome," Nature, vol. 409, no. 6822, 2001, pp. 943-945.
7. Zhang, Shanxiang, et al. "Physical and transcript map of a 2-Mb region in Xp22.1 containing candidate genes for X-linked mental retardation and short stature," Genomics, vol. 79, no. 3, 2002, pp. 274-277.
8. Zabarovska, Veronika, et al., "A new approach to genome mapping and sequencing: slalom libraries," Nucleic Acids Research, vol. 30, no. 2, 2002, pp. E6.
9. Kirsch, S. et al., "Localisation of the Y chromosome stature gene to a 700 kb interval in close proximity to the centromere," Journal of Medical Genetics, vol. 39, no. 7, 2002, pp. 507-513.

Copies of the above-cited references are enclosed.

If the Examiner has any questions or feels that a discussion with Applicants' representative would expedite

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Attorney Document No. 102667-202

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prosecution, the Examiner is invited and encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Gudrun A. Rappold, et al.

Date: 15 OCT 2004

By:

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FORM PTO-1449

INFORMATION DISCLOSURE			ATTY. DOCKET NO. 102667-202		SERIAL NO. 10/511708	
			APPLICANT: GUDRUN A. RAPPOLD ET AL.			
			FILING DATE: HEREWITH		GROUP:	
U.S. PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPR.
FOREIGN PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)						
Rousseaux-Prevost, Roselyne, et al., "Molecular mapping of a Yq deletion in a patient with normal stature," Human Genetics, vol. 98, no. 4, 1996, pp. 505-507.						
Salo, Pia, et al., "Deletion mapping of stature determinants on the long arm of the Y chromosome," Human Genetics, vol. 95, no. 3, 1995, pp. 283-286.						
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EXAMINER:				DATE CONSIDERED:		
<p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p style="text-align: right;">NH490626</p>						